

Appl. No. 10/399,081  
Amtd. dated December 28, 2004  
Reply to Office action of June 17, 2004

Docket No. 58009-016101

### **REMARKS**

Examination of the present application is to be based on claims 15-39, for a total of twenty-five claims, seven of which are independent. A petition for four additional independent claims is enclosed with the present response.

The office action of July 28, 2004 and the art relied on by the Examiner have been carefully examined.

#### **I. Amendments to the claims**

Claim 15-39 are pending in the present application. Applicant has amended claims 15, 16, 23 and 24 for clarity reasons and added new claims 28-39. Support for new claims 28-39 can be found for example in Figures 1-3 and related portion of the specification. No new matter has been added.

#### **II. Claim rejections - Double Patenting**

In the Action, the Examiner rejects previously pending claims 15-27 also under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of US Pat. No. 6,698,608.

Applicant hereby files Terminal disclaimers in compliance with 37 CFR 1.321(c) referred to US patent No. 6,698,608.

Applicant submits that the obviousness-type double patenting rejection has been consequently overcome.

#### **III. Claim rejections - 35 USC § 112**

In the Action, the Examiner rejects claims 15 and 16 under 35 USC § 112, second paragraph. Applicant has amended claims 15 and 16 as shown in the enclosed list of claims and respectfully submits that the rejections of the Examiner have been overcome.

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#### IV. Claim rejections – 35 USC § 102

1. In the Action, the Examiner rejects claims 15 and 21 as being anticipated by Myers et al (U.S. Pat. No. 4,743,048). Applicant respectfully disagrees.

Independent claim 15 as amended recites "...a liner fitting in the space in the surrounding material, the liner having an edge for location between the component edges..." (Emphasis added).

Independent claim 15 also recites "...a liner fitting in the space in the surrounding material, the liner having an edge for location between the component edges thereby to permit a sealing engagement to be effected when the components are closed..." (Emphasis added).

Independent claim 15 additionally recites: "... a liner fitting in the space in the surrounding material, the liner having an edge for location between the component edges thereby to permit a sealing engagement to be effected when the components are closed and the component edges contact the liner on opposite sides..." (Emphasis added).

Although Myers discloses a "liners 138, 139" (Myers, Figure 3 and column 7 line 54), the Examiner has not shown to the Applicant where Myers teaches or disclose that Myers' liner has an "edge . . . for location between the component edges . . . to permit a sealing engagement . . . when the components are closed." From Figure 3 of Myers, it appears that sealing engagement is obtained by means of "a gasket 33" (Figure 3 an column 3, lines 39-42 of Myers) and not by means of the above recited features of claim 15.

Therefore, we submit that claim 15 is novel over Myers together with claim 21 at least by virtue of its dependence on claim 15.

Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show to the Applicant where Myers teaches or discloses the above features, bearing in mind that a simple reference to the Figures, without citing in detail reference numerals or written

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passages in Myers would be unhelpful to the Applicant, in view of the large number of reference numerals used in Myers. (See 37 CFR 1.104 (c)(2) and MPEP 706)

3. In the Action, the Examiner rejects claims 18, 25 and 26 as being anticipated by Myers et al (U.S. Pat. No. 4,743,048). Applicant respectfully disagrees.

Claim 18 recites "*a liner . . . wherein a liner edge includes two legs which are spaced apart so that there is a space between the legs and . . . when a lip on the edge of the second component presses against lateral edge the space between the legs becomes smaller.*"

While Gueret discloses a space between "lips 17 and 18" (see Gueret Figures 3 and 4 and column 3 lines 13-14), the space in Figure 4 of Gueret is the same as the space in Figure 3 of Gueret. It should be noted that, during the closed condition shown in Figure 4 of Gueret, contact with the "annular projection 24" is countered by a spacing between the "top annular lips 21 and 22" and not by a corresponding spacing of "lips 17 and 18" (Gueret column 3 lines 19-24). Therefore, the space between "lips 17 and 18" in Gueret does not become smaller.

Additionally, the Applicant submits that there is no support at all, in Gueret, for the assertion of the Examiner that "as the lid is closed to compress the seal the legs will slightly thicker and therefore [become] closer." To the contrary, the whole arrangement in Figures 3 and 4 of Gueret appears to be directed towards eliminating the pressure from the "lips 17 and 18" and directing such pressure towards the "lips 21 and 22".

Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show to the Applicant where Gueret provides support for the above inference of the Examiner.

In this respect the Applicant also points out that, as shown in Figure 4 of Gueret, the pressure directed towards the "sealing member 15" in Gueret (Gueret column 3 line 9) is deflected from the "lips 17 and 18" and horizontally distributed by means of the upper "lips 21 and 22". Incidentally, should the Examiner focus on Gueret's upper "lips 21 and 22", the Applicant notes that the space between the upper "lips 21 and 22" in Figure 4 of Gueret is larger

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than the space between the "lips 21 and 22" in Figure 3 of Gueret, so that, in Gueret, *"the space between the legs"* does not *"become[ ] smaller"* as claimed in claim 18.

Further, claim 18 recites *"when a lip on the edge of the second component presses against . . ."* The attention of the Examiner is drawn to Figure 4 of Gueret, which shows, in contrast, an "annular projection 24" contacting the "lips 21 and 22" (see also Gueret, column 3, lines 18-20).

Still further, claim 18 recites *"a liner including a side wall for extending substantially with a side wall of a first of said components."* While Gueret arguably discloses a liner with a side wall or side walls, such wall or walls extend only to a limited extent, as shown, for example, in Figures 2-4 of Gueret and, not *"substantially with a side wall of a . . . component"* as recited in claim 18.

As a consequence, claim 18 is novel over Gueret, together with claims 25 and 26 at least by virtue of their dependence on claim 18.

#### **V. Claim rejections – 35 USC § 103**

3. In the Action, the Examiner rejects claims 19 and 23 as being unpatentable over Myers under 35 USC 103(a). Applicant respectfully disagrees.

Claim 23 has been made dependent on claim 16, thus rendering the rejection of the Examiner moot.

Claim 19 depends on claim 15, thus incorporating all features of claim 15. Applicant has already shown that claim 15 is novel over Myers because claim 15's liner has an *"edge . . . for location between the component edges . . . to permit a sealing engagement . . . when the components are closed."* Additionally, the Applicant submits that Myers teaches away from modifying the "liners 138 and 139" in Myers in the sense of claim 15, because Myers already provides that sealing engagement is obtained by means of a "gasket 33" (Figure 3 an column 3, lines 39-42 of Myers).

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Therefore, claim 19 is nonobvious over Myers at least in view of its dependence on claim 15.

4. In the Action, the Examiner rejects claims 20, 24 and 27 as being unpatentable over Gueret under 35 USC 103(a). Applicant respectfully disagrees.

Claim 24 has been made dependent on claim 22 thus rendering the rejection of the Examiner moot.

Claims 20, and 27 depend on claim 18, thus incorporating all features of claim 18. Applicant has already shown that claim 18 is novel over Gueret. Further, Gueret teaches away from modifying the operation of Gueret's Figures 3 and 4 in the sense of Applicant's claim 18, because, in Gueret's Figures, the distance between the lower "lips 17 and 18" remains the same and the distance between the upper lips becomes bigger. Therefore, claim 19, in view of its dependence on claim 15, is nonobvious over Myers because of claim 15's recitation that *"the space between the legs becomes smaller" "when a lip on the edge of the second component presses against lateral edge."*

Therefore, claims 20 and 27 are nonobvious over Gueret at least in view of their dependence on claim 18.

#### **VI. Allowable subject matter**

In the Action, the Examiner believes claims 16 to be allowable. The Applicant agrees with the Examiner that claim 16 is allowable and submits that also claims 17 and 23 are deemed to be allowable by virtue of their dependence on claim 16.

Additionally, in the Action, the Examiner points out that claim 22 would be allowable if rewritten in an independent form. Applicant has amended claim 22 so that amended claim 22 is in an independent form and agrees with the Examiner that claim 22 is allowable.

Applicant submits that claims 24, 27-31 are also allowable by virtue of their direct or indirect dependency on claim 22.

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### VII. New claims

Applicant has introduced new claims 28-39. Applicant submits that claims 28-31 are allowable by virtue of their dependency on claim 22.

Applicant further submits that new claims 32 to 39 are allowable over the cited prior art for substantially the same reasons reported in paragraphs IV and V above.

\* \* \*

Should matters remain which the Examiner believes could be resolved in a further telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that the Attorney Docket Number is referred to when charging any payments or credits for this case.

Respectfully submitted,

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By



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